

RECEIVED

NOV 21 2003

TECH CENTER 1600/2900

09/903,323

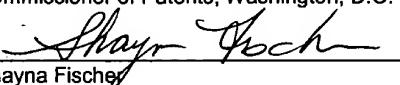
1647

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that on November 12, 2003, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231


Shayna Fischer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant: DeRobertis, Edward M.

Serial No.: 09/903,323

Filed: July 11, 2001

Title: ENDODERM, CARDIAC AND NEURAL INDUCING FACTORS- OLIGONUCLEOTIDES FOR EXPRESSING HUMAN FRAZZLED (FRZB-1) PROTEIN

Atty. Docket No. 38586-308

Examiner: Romeo, David S.

Group Art Unit: 1647

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56

Sir:

Applicant references the related cases 09/903,180, 09/903,325, 09/903,188, 09/903,170, 09/903,171 & 09/903,187 all which were filed on July 11, 2001 as divisional applications to 09/552,988.

Applicant also hereby notifies the Examiner that we are abandoning the present application and the divisional applications cited above, except for 09/903,188 at this time, with the right to pursue the claims of the present application and other divisional applications prior to the issuance of the 09/903,188 application.

This Information Disclosure Statement is being submitted:

- 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;
- 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
 - (a) A statement that either:
 - (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

- (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
 - (a) A statement that either:
 - (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

- (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

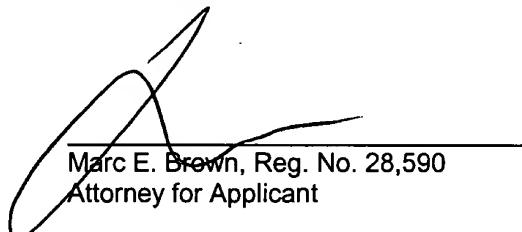
038586-308

09/903,323

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 501946** referencing order number 38586-308.

November 11, 2003


Marc E. Brown, Reg. No. 28,590
Attorney for Applicant

MCDERMOTT, WILL & EMERY
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110; Fax: (310) 277-4730
